

**ZONING BOARD OF APPEALS
SATURDAY, NOVEMBER 15, 2014
3:00 P.M.**

Present: Chairman Robert Treuhold, Charles Mott, Ogden Lewis, T. David Mullen, Alexander Ames, Brendan Ryan, and Village Attorney Richard DePetris

1) Chairman Treuhold brought the meeting to order. The minutes of the **October 18, 2014** meeting were approved into the record. Mr. Treuhold also wanted added to the record that **Katherine Conway** had withdrawn her application, and it would no longer be before the Board. The next meeting was scheduled for **December 13, 2014** at **3 PM**.

2) The first application on the agenda was the hold over application of **Kimberley and Cheryle Payne** for a lot coverage variance to 23.36 % in order to permit proposed shed. Premises are known as **48 Scrub Oak Road. TM #902-6-1-7.8**

Mr. Payne was present for the application discussion. He explained that when he purchased the property it was at 22.4 % and although he had done some renovations, everything was still within the confines of the building envelope as purchased. Mr. Payne had received a note from his neighbor, **Gina Mascia**, indicating that she had no problem with his application. He explained that there was about 50' of woods between his property and his neighbor on the side of the proposed shed. He explained that he also intended to include landscaping by his fence, on the road side of his property.

DECISION: MR. TREUHOLD MOVED TO APPROVE THE PAYNE APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the application of **Beverly Weiss** and **Karen Bander** for a front yard variance to 40.7 feet and a height variance within the required front yard for proposed new house and a variance in order to permit replacement of existing house with a new house on property containing two houses. Premises are known as **6 Oak Lane. TM #902-6-1-7.8**

Attorney **John Bennett** was present for the applicants, along with their architect **John Laffey**. Mr. Bennett explained that the property was unique because it was burdened by the cul de sac which helped create many of their variance requests. If the road simply ended at the end of Old Oak Lane they could have a setback between 68 & 69 feet so the relief they would be requesting would be substantially less. He submitted a tax map to the Board for their review, and explained that his clients were surprised to find out there was a cul de sac as it was not shown on the tax map. Mr. DePetris explained that the property was created by a 1997 subdivision, and the cul de sac was created within the subject parcel. He added that only the Planning Board subdivision map would be relevant. The Stechers, who are the neighbors to the west, would be most effected by the variances, but would be protected by the fact that the property is extremely wooded, and granting the variance requests would not create any negative effect to the community. Mr. Bennett submitted copies of a letter of support from the Stechers. Mr. Bennett explained that besides the front yard relief, they also needed height relief because they were working in a front yard. He explained that they would be willing to provide the Board with an analysis showing what percentage of the house requires the variance relief. He also explained that there were 2 single family dwellings on the one parcel which made the property nonconforming. The second dwelling functioned as an accessory unit to the main house, or essentially a guest house. Mr. Bennett said his clients would not be adverse to a written covenant stating such. Mr. DePetris explained that that would eliminate one of the variance requests because it would eliminate one of the nonconformities. The present main residence was 2,512 SF. and his clients were proposing a new residence of 4,447 SF. Given the neat configuration of the parcel, with the private road entering into the physical parcel and the location of the existing gunite pool, and the location of the surrounding patio, they require additional space in the front yard. Mr. Bennett's clients want to maintain the pool in its present position so he submitted a cost analysis to the Board explaining that it would be \$67,475.00 to move the pool and pool heater. The Board noticed a 'plain shed' on the survey. Mr. Bennett said that his clients would be willing to either remove the shed or place it in a conforming position. Mr. Bennett also explained that in conversation with the Fire Marshall, the thought was to replace the cul de sac with a 'hammer-head'. In reference to the cul de sac vs. the hammer-head, Mr. Bennett explained that they could physically create the hammer-head in the field as specified by the Fire Marshall. Mr. DePetris explained that as long as they were not trying to alter the layout or design of the road on paper and change the cul de sac, they would not need Board approval to change the configuration and improve their driveway into a hammer-head.

DECISION: MR. TREUHOLD MOVED TO ADJOURN THE WEISS/BANDER APPLICATION FOR DECISION SUBJECT TO RECEIVING ADDITIONAL INFORMATION AND IN KEEPING WITH THE AFOREMENTIONED CONDITIONS.

4) Next was the application of Anna Zaleski for a variance in order to permit proposed house with an interior design office use on the first floor. Premises are known as 49 Montauk Highway. TM #902-2-4-69.1

Heather Wright was present for the applicants, **Mr. and Mrs. Zaleski**, who were also present. Ms. Wright explained that her clients proposed to replace the existing dwelling with a new dwelling containing a small office therein. She presented the Board with photos showing the existing dwelling and its present condition. The proposed office would be 370 SF. The house is designed to conform to all A5 dimensional requirements and all B2 requirements. The front yard will be setback 100 feet from the street and there is proposed screening from the neighbors on the east and west. They were excited to have a mixed use property. They felt that while having a business in their dwelling, they would still be considerate of the neighbors living nearby. The lot coverage will be under 20%. Mr. DePetrus explained that after the Zoning Board acted on their zoning application, the Zaleskis would have to go back to the Planning Board for Site Plan approval which would include their parking area. The office will be used to meet clients and go over interior design details with them, but it was not planned to be a heavy client traffic area. The applicants were hoping to have a sign in the window. Mr. DePetrus helped Mrs. Zaleski understand that depending on how the Board ruled, and if it ruled in favor of the requested variances, there would be a condition that would limit the home office to an interior design office only, which could not be changed to any other use without returning to the Zoning Board for approval. The Board explained their concern for future owners saying that if the property was sold, and the purchaser wanted to change the use of the office from that of an interior design office to some other use, they would have to appear before the Zoning Board for approval.

David Kepner, the contract vendee at **45 Montauk Highway** explained that his property was contiguous and to the west of the Zaleski property. He was in support of the Zaleski application as he is hoping to relocate his office from Eastport to 45 Montauk Highway, Quogue. He explained that the building he was intending to purchase would need a major renovation. He wanted to use it for his main construction office. He also wanted to rent space to others who wanted a desk and a place to do business. He expressed that if the Board did not rule in favor of the Zaleski's application, then he probably would not purchase the property he was looking at. The Board explained that the Zaleski's application was in reference to a home office, and Mr. Kepner said he did not want to live in his building. The Board explained that Mr. Kepner's property was not the same situation. Mr. Kepner's property has a covenant attached to it, imposed by the Planning Board, in connection with subdivision approval saying it could not be used for business use. Mr. Kepner said he was hoping that maybe the Board could consider all 3 parcels together. The Board felt Mr. Kepner's situation was different and separate.

Mr. Treuholt explained that the Board would like to adjourn the application for a written decision, to be issued at the next meeting. They would like to have in writing that the interior design office would be for Mrs. Zaleski's use as a home office, and that any future change in use would be subject to review by the Zoning Board. The signage would be limited in scope and along with the site plan, would be subject to subsequent review and approval by the Planning Board.

DECISION: THE BOARD DECIDED TO ADJOURN THE ZALESKI APPLICATION TO THE DECEMBER 13, 2014 MEETING FOR A WRITTEN DECISION.

5) Next was the application of **Phillipe** and **Jane Moggio** for side yard variance for proposed garage addition and proposed second story addition to existing house, a height variance to 17.48 feet within required side yard for proposed garage addition, a height variance to 27.64 feet within required side yard for proposed second story addition, and a street setback variance to 61.7 feet for existing generator. Premises are known as **5 Quogue Street. TM #902-7-1-1.2**

Attorney **Kittric Motz** was present for the applicants, who were also present, along with their architect **Peter Podlas**. Mrs. Motz explained that they were seeking a variance for a garage and a second story addition to be located within 19 feet of the side yard, requiring a 16 foot variance. The proposed attached, one-story garage will be partly within a required side yard to a height of 17.48 feet, requiring a 1.48 foot variance. She explained that the building envelope is very small with specific setback requirements. The applicants planned to raise the house to make it fully FEMA compliant. The patio which squares out the residence, and whose condition was deteriorated, is being proposed to have its floor space incorporated into the principle residence. Mrs. Motz also explained that there was a 1.3 foot overhang. In reference to the generator, Mrs. Motz explained that it was in its present location when her clients purchased the property, and is heavily landscaped. Mr. DePetris pointed out that the Board needed to see a revised survey that showed the exact data of the side yard setback for the second floor, and the breakout of the overhang. Mrs. Motz explained that the existing oval patio extension would be eliminated, and the area of the foot print was proposed to change only to a very modest degree. The second story is 335 SF. for which relief is required, and the first floor is 527 SF. She wanted it noted that the subject property is presently heavily screened from the Sandacres property. Mrs. Motz also explained that the "L" part of the house was in the A3 district and the main part of the house is in the A8, and the improvements are in the A8 part of the dwelling.

DECISION: MR. TREUHOLD MOVED TO GRANT THE MOGGIO APPLICATION WITH THE CONDITION THAT THE BOARD RECEIVE AN AMENDED SURVEY SHOWING MORE ACCURATELY THE REQUEST WITH THE SETBACK OF THE FIRST AND SECOND FLOOR, AND THE ROOF OVERHANG. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) Next was the application of **Kuni** and **Eileen Nakamura** for a variance if necessary in order to permit proposed guest house (which would replace existing guest house) and for a variance if necessary in order to permit proposed retaining wall with a height of 5 feet. Premises are known as **5 Old Point Road. TM #902-5-1-4**

Attorney **Kittric Motz** was present for the applicants. She explained that the existing guest house, while already in a conforming location, was proposed to be demolished and reconstructed in a different, but conforming location. The old guesthouse was very old, had mold, and was in need of being replaced. The Board had information showing the design of the inside and outside of the new guesthouse. The new guest cottage conforms to the design of the new main house that will be built. There would be a significant reduction in the square footage. It would no longer have two bedrooms but only one bedroom. Since there will be no basement, only a crawl space, the height of the building is increased 3.8 feet, so that the mechanicals can be located in the attic, as opposed to at ground level. The original guest cottage had 703 SF. and 286 SF. of covered porches, for a total footprint of 989 SF., and the proposed guest cottage would have 695 SF. of living space and no exterior porches. That would create a 30% reduction of living space. She explained that they would not be expanding a nonconforming use, but would instead, be reducing it.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE NAKUMURA APPLICATION. MR. RYAN MADE THE MOTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by: _____ File date: _____